

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.6097 OF 2004

Shri Ranjendra Bapusaheb Patravali & Ors. ...Petitioners.
Vs.
The Commissioner, Solapur Municipal
Corporation, Solapur & Ors. ...Respondents.

....
Mr. S. V. Sadavarte for the Petitioners.
Mr. Nitin Jamdar for Respondent Nos.1 and 3.
Mrs. M.P. Thakur, AGP for Respondent No.4.
Mr.A. L. Patil with Mr. Santosh Pawar for Respondent Nos.5 & 6.

.....
**CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.**

April 20, 2006.

P.C. :

Rule. By consent made returnable forthwith. By
consent of the Learned Counsel and at their request, taken up for
final hearing forthwith.

Having heard Counsel for the parties at length, we pass
the following order by consent and at the request of Counsel for the
parties without assigning any reasons :

-(i) The order dated 30th June 2006 passed by the Assistant
Director, Town Planning, Solapur Municipal Corporation is

quashed and set aside.

-(ii) In terms of the consent decree dated 20th March 2002 passed by the Learned Civil Judge, Senior Division, Solapur in Regular Civil Suit No.971 of 2001, the Petitioner and the Respondents to approach the Assistant Director, Town Planning, Solapur Municipal Corporation, Solapur within a period of two weeks to carry out demarcation of plot as per Sale Deed dated 13th September 1985. The said authority shall carry out demarcation after due notice to the parties within two weeks thereafter. The decision of the said authority shall be binding on the parties.

-(iii) The Learned Counsel appearing on behalf of the Petitioners states that the Petitioners undertake to remove the construction carried out by them if it is found that the same is in excess of the share of the Petitioners.

-(iv) The Petitioners shall file fresh application before the Municipal Corporation. On such application being made, the Municipal Corporation shall decide the same in accordance with law.

The Petition is disposed of on the aforesaid terms. No order as to costs.

CHIEF JUSTICE

Dr.D. Y. Chandrachud, J.